

United States District Court

JAN 29 2018

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Federico Orta Jr.

YOB: 1987

Principal

United States

Case Number:

M-18- 0202-M

Jose Francisco Perez

YOB: 1971

Co-Principal

United States

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about January 28, 2018 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Januario Gutierrez-Perez, a citizen Mexico, who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said alien in furtherance of such violation of law within the United States, that is, from a location in Garceño, Texas to the point of arrest in Garceño, Texas.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On January 28, 2019, a Border Patrol Agent working line watch duties in La Prieta Ranch near Garceño, Texas observed a Ford truck driven by a male subject, later identified as Federico Orta Jr., a United States Citizen, driving into the ranch.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

OK to file. TX

☒ Yes ☐ No

Signature of Complainant

Julio C. Peña

Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

January 29, 2018
Date

3:49 PM at

McAllen, Texas
City and StatePeter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-18-0202-M

**RE: Federico Orta Jr.
Jose Francisco Perez**

CONTINUATION:

This ranch area is well known for human and narcotic smuggling due to its close proximity to the Rio Grande River. The agent had suspicion of the truck because he had not seen this truck in this ranch before. Shortly thereafter, the agent proceeded to make his way back to the ranch, and as he traveled south on a farm road, the agent observed Orta driving away from the river with one passenger.

The agent followed the Orta as he made his way to a house located in the property. Once at the house, the agent observed Orta and the passenger exit the truck and walk to the back of the house in a hurried manner. The agent attempted to talk to Orta and the passenger, however both ignored the agent's command to stop and continued walking until they entered the house through the back door.

The agent proceeded to walk to the back of the house and encountered a male subject identified as Jose Francisco Perez, a United States Citizen, who stated he was at the house by himself. Perez was asked if he knew the two subjects who entered the house, however Perez claimed he only knows one. At this time, the agent asked Perez if he could call the subjects outside. A short time later, Orta exited the house followed by a male subject. Orta was questioned about who the male subject was and Orta stated he had just picked him up near the river. Orta further stated Perez told him to bring the male subject to the ranch. The male subject was identified as Januario Gutierrez-Perez, a citizen of Mexico. Gutierrez admitted to crossing the river earlier and not having the proper documents to reside in the United States.

All three subjects were placed under arrest and transported to the Rio Grande Border Patrol Station to be processed accordingly.

PRINCIPAL STATEMENT:

Federico Orta Jr. was read his Miranda Rights. He understood his rights and agreed to provide a sworn statement without the presence of an attorney.

Orta stated he was to receive \$500 for picking up a person close to the river. Orta indicated his uncle was the person who hired him to pick up the subject. Orta claims after picking up the subject he drove to his uncle's house. Once there, Orta stated his uncle instructed them both to go inside the house and not to listen to the immigration official. Orta stated that after a few minutes his uncle called for them to go outside. Orta freely admitted this was his third time transporting undocumented aliens. Orta identified Jose Francisco Perez, through a photo lineup, as his uncle who hired him to pick up the subject by the river.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-18-0202-M

**RE: Federico Orta Jr.
Jose Francisco Perez**

CONTINUATION:

CO-PRINCIPAL STATEMENT:

Jose Francisco Perez was read his Miranda Rights. He understood his rights, however he refused to provide a sworn statement.

MATERIAL WITNESSES STATEMENT:

Januario Gutierrez-Perez was read his Miranda Rights. He understood his rights and agreed to provide a sworn statement without the presence of an attorney.

Gutierrez, a citizen of Mexico, stated he made the smuggling arrangements and paid \$3,000 USD. Gutierrez claims he crossed the river with a foot guide. Gutierrez stated he walked for 10-15 minutes through the brush before meeting up with a truck. The foot guide then instructed Gutierrez to board the truck and pointing to it. Gutierrez indicated after driving a few minutes they arrived to a house where they met up with another man. A short time later, Gutierrez stated they all walked inside the house.

Gutierrez identified Orta, through a photo lineup, as the driver of the truck.

Gutierrez identified ^{Perez JP}~~Gutierrez~~, through a photo lineup, as the man they met up at the ranch house.